

**House File 90 - Introduced**

HOUSE FILE 90

BY MURPHY

**A BILL FOR**

1 An Act requiring a scope of practice impact statement for  
2 administrative rules adopted by certain health-related  
3 licensing boards.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION. 147.171 **Scope of practice impact**  
2 **statement and regulatory analysis.**

3     1. *a.* A board enumerated in section 147.13 shall publish  
4 in the Iowa administrative bulletin a scope of practice impact  
5 statement of an administrative rule within seventy days after  
6 the effective date of the administrative rule, if a written  
7 request for the analysis is submitted to the board by the  
8 administrative rules review committee or the administrative  
9 rules coordinator.

10    *b.* The statement shall evaluate the impact of a rule upon  
11 the duties and functions of a licensed health profession  
12 directly impacted by the rule and the duties and functions of  
13 health professionals whose jobs are indirectly impacted by  
14 the rule. The statement shall evaluate the overall effect of  
15 the rule on patient safety, health outcomes, liability issues  
16 for impacted licensed professionals and licensed facilities,  
17 working conditions, and the feasibility of licensees completing  
18 their duties in an appropriate manner based upon licensure  
19 specifications.

20    *c.* The statement shall be published within seventy days of  
21 the request.

22    2. Prior to the adoption of an administrative rule, a  
23 board shall issue a regulatory analysis that complies with  
24 the requirements of this subsection, if the rule would have  
25 a substantial impact on licensed health professionals and  
26 if, within thirty-two days after the published notice of the  
27 proposed rule's adoption, a written request for analysis is  
28 submitted to the board by the administrative rules review  
29 committee, the administrative rules coordinator, at least  
30 twenty-five persons signing that request who each are licensees  
31 of the profession or by an organization representing at least  
32 twenty-five such persons. If a rule has been adopted without  
33 prior notice and an opportunity for public participation in  
34 reliance upon section 17A.4, subsection 3, the written request  
35 for a regulatory analysis that complies with this subsection

1 may be made within seventy days of publication of the rule.

2     *a.* Except to the extent that a written request for a  
3 regulatory analysis expressly waives one or more of the  
4 following, the regulatory analysis must contain all of the  
5 following:

6       (1) A description of the classes of persons who probably  
7 will be affected by the proposed rule, including classes that  
8 may suffer from the proposed rule and classes that will benefit  
9 from the proposed rule.

10      (2) A description of the probable quantitative and  
11 qualitative impact of the proposed rule, economic or otherwise,  
12 upon affected classes of persons, including a description of  
13 the nature and amount of all of the different kinds of costs  
14 that would be incurred in complying with the proposed rule.

15      (3) The probable costs to the agency and to any other agency  
16 of the implementation and enforcement of the proposed rule and  
17 any anticipated effect on state revenues.

18      (4) A comparison of the probable costs and benefits of the  
19 proposed rule to the probable costs and benefits of inaction.

20      (5) A determination of whether less intrusive methods exist  
21 for achieving the purpose of the proposed rule.

22      (6) A description of any alternative methods for achieving  
23 the purpose of the proposed rule that were seriously considered  
24 by the agency and the reasons why they were rejected in favor  
25 of the proposed rule.

26     *b.* Each regulatory analysis must include quantifications  
27 of the data to the extent practicable and must take account of  
28 both short-term and long-term consequences.

29     3. Upon receipt of a timely request for a regulatory  
30 analysis, the board shall extend the period specified in this  
31 chapter for each of the following until at least twenty days  
32 after publication in the administrative bulletin of a concise  
33 summary of the regulatory analysis:

34       *a.* The end of the period during which persons may make  
35 written submissions on the proposed rule.

1     *b.* The end of the period during which an oral proceeding may  
2 be requested.

3     *c.* The date of any required oral proceeding on the proposed  
4 rule.

5     4. In the case of a rule adopted without prior notice and an  
6 opportunity for public participation in reliance upon section  
7 17A.4, subsection 3, the summary must be published within  
8 seventy days of the request.

9     5. The published summary of the regulatory analysis must  
10 also indicate where persons may obtain copies of the full text  
11 of the analysis and where, when, and how persons may present  
12 their views on the proposed rule and demand an oral proceeding  
13 thereon if one is not already provided. Agencies shall make  
14 available to the public, to the maximum extent feasible, the  
15 published summary and the full text of the analysis described  
16 in this subsection in an electronic format, including but not  
17 limited to access to the documents through the internet.

18     6. If the agency has made a good faith effort to comply with  
19 the requirements of subsections 1 through 3, the rule may not  
20 be invalidated on the ground that the contents of the analysis  
21 are insufficient or inaccurate.

22                                   EXPLANATION

23     This bill creates two distinct analysis requirements for  
24 administrative rules adopted by health-related licensing  
25 boards.

26     The scope of practice impact statement requires that a  
27 health-related licensing board analyze the impact of a rule  
28 upon the duties and functions of a licensed health profession  
29 directly impacted by the rule and the duties and functions  
30 of health professionals whose jobs are indirectly impacted  
31 by a proposed rule. The statement may be requested by the  
32 administrative rules review committee or the governor's  
33 administrative rules coordinator.

34     The second analysis requires a cost-benefit analysis on  
35 specific subjects relating to regulation. A proposed rule

1 cannot be adopted until the analysis is complete; if the rule  
2 has been filed "emergency", the analysis must be prepared  
3 within 70 days of the request. The regulatory analysis must  
4 include quantifications of the data to the extent practicable  
5 and must take account of both short-term and long-term  
6 consequences. The request for this analysis may be made by  
7 the administrative rules review committee, the administrative  
8 rules coordinator, at least 25 persons signing that request  
9 who each are licensees of the profession or by an organization  
10 representing at least 25 such persons.